

Senate Bill 404

By: Senators Seabaugh of the 28th, Balfour of the 9th and Johnson of the 1st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,  
2 relating to telecommunications and competition development, so as to create the Georgia  
3 Broadband Education Commission to educate the general public on the benefits of broadband  
4 technology and improving utilization of broadband technology within Georgia; to provide  
5 for the membership, appointment, terms, and duties of such commission; to provide that  
6 payments of any penalty or performance plans relating to local exchange companies be paid  
7 to the state and administered by the Georgia Broadband Education Commission; to promote  
8 parity among local exchange carriers; to provide for related matters; to provide a conditional  
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 4 of Chapter of 5 of Title 46 of the Official Code of Georgia Annotated, relating to  
13 telecommunications and competition development, is amended by adding a new subsection  
14 (h) to Code Section 46-5-164, relating to interconnection among certificated local exchange  
15 companies, to read as follows:

16 "(h) Any penalty or performance plan administered or approved by the commission (1)  
17 may provide for payments only to the state but in no case may it provide for payments to  
18 individual local exchange carriers; (2) the obligations imposed by any such plan must be  
19 imposed on all local exchange carriers; and (3) any moneys collected pursuant to such  
20 penalties or plans shall be used as necessary to fund the Georgia Education Trust Fund as  
21 administered by the Georgia Broadband Education Commission."

22 **SECTION 2.**

23 Said article is further amended by adding a new Code Section 46-5-164.1 to read as follows:

1 "46-5-164.1.

2 (a) There is established the Georgia Broadband Education Commission whose purpose is  
3 to educate the public on the benefits of broadband technology and to improve the utilization  
4 of broadband technology within the state.

5 (b) The Georgia Broadband Education Commission shall consist of ten members who shall  
6 serve for terms of four years, except that with respect to the first members appointed, four  
7 members shall be appointed for a term of three years, three for a term of two years, and  
8 three for a term of one year. The members of the commission shall be appointed by the  
9 Governor as follows:

10 (1) Three members shall be representatives from incumbent local exchange companies;

11 (2) Three members shall be representatives from wireless industry companies;

12 (3) Two members shall be representatives from competitive local exchange companies;

13 and

14 (4) Two members shall be from the public at large.

15 The Governor shall also establish initial terms of office for all ten members of the  
16 commission within the limitations of this subsection.

17 (c) In the event of death, resignation, disqualification, or removal for any reason of any  
18 member of the commission, the vacancy shall be filled in the same manner as the original  
19 appointment and the successor shall serve for the unexpired term.

20 (d) The Governor shall designate a chairperson of the commission from among the  
21 members, which chairperson shall serve in that position at the pleasure of the Governor.  
22 The commission may elect such other officers and committees as it considers appropriate.

23 (e) The commission, with the approval of the Governor, may employ such professional,  
24 technical, or clerical personnel as deemed necessary to carry out the purposes of this Code  
25 section.

26 (f) Members of the commission shall serve without compensation but shall receive the  
27 same expense allowance per day as that received by a member of the General Assembly for  
28 each day such member of the commission is in attendance at a meeting of such  
29 commission, plus either reimbursement for actual transportation costs while traveling by  
30 public carrier or the same mileage allowance for use of a personal car in connection with  
31 such attendance as members of the General Assembly receive. Such expense and travel  
32 allowance shall be paid in lieu of any per diem, allowance, or other remuneration now  
33 received by any such member for such attendance. Expense allowances and other costs  
34 authorized in this Code section shall be paid from moneys in the Georgia Broadband  
35 Education Trust Fund.

36 (g) The commission shall do all of the following:

1 (1) Meet at such times and places as it shall determine necessary or convenient to  
2 perform its duties. The commission shall also meet on the call of the chairperson or the  
3 Governor;

4 (2) Maintain minutes of its meetings;

5 (3) Adopt rules and regulations for the transaction of its business;

6 (4) Accept applications for disbursements of available money from the trust fund;

7 (5) Maintain records of all expenditures of the commission, funds received as gifts and  
8 donations, and disbursements made from the trust fund; and

9 (6) Conform to the standards and requirements prescribed by the state auditor pursuant  
10 to Chapter 6 of Title 50.

11 The commission shall utilize existing state resources and staff of participating departments  
12 whenever practicable.

13 (h) The commission may recommend to the Governor and the General Assembly changes  
14 in state programs, statutes, policies, budgets, and standards relating to the education of the  
15 public as to the benefits of broadband technology and improving utilization of broadband  
16 technology in this state.

17 (i) There is created the Georgia Broadband Education Trust Fund as a separate fund in the  
18 state treasury. The director of the Office of Treasury and Fiscal Services shall credit to the  
19 trust fund all amounts transferred to such fund and shall invest the trust fund moneys in the  
20 same manner as authorized for investing other moneys in the state treasury.

21 (j) The commission may authorize the disbursement of available money from the trust  
22 fund, after appropriation thereof, for purposes of providing education to the public as to the  
23 benefits of broadband technology and improving utilization of broadband technology in this  
24 state to a person, entity, or program eligible pursuant to criteria to be set by such  
25 commission to criteria to be set by such commission. The commission may also authorize  
26 the disbursement of trust fund money for the actual and necessary operating expenses that  
27 the commission incurs in performing its duties; provided, however, that such disbursements  
28 shall be kept at a minimum in furtherance of the primary purpose of the trust fund, which  
29 is to disburse money to provide broadband technology education to the citizens of this state  
30 and to improve utilization of broadband technology.

31 (k) No funds shall be disbursed from the trust fund to any person, entity, or program or for  
32 any purpose authorized in subsection (j) of this Code section until approved by the  
33 Governor; provided, however, that the Governor may not authorize the disbursement of  
34 funds to a person, entity, or program which the commission has not recommended for a  
35 grant."

**SECTION 3.**

This Act shall become effective on January 1, 2007, provided that a constitutional amendment authorizing the creation of the Georgia Broadband Education Trust Fund is approved and ratified by the voters of the state in the 2006 November general election. Otherwise, this Act shall stand repealed by operation of law on January 1, 2007.

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.